

HOUSE BILL 1263

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CF SB 899

By: **The Speaker (By Request – Administration) and Delegates Busch, Hixson,
Kaiser, and Rosenberg**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education Reform Act of 2010**

3 FOR the purpose of altering the probationary period of employment of a certificated
4 employee in a public school system; altering certain procedures related to the
5 probationary period of a certificated employee; requiring a county board of
6 education to evaluate annually a nontenured certificated employee based on
7 established performance evaluation criteria; requiring certain certificated
8 employees to be assigned a mentor and provided additional professional
9 development under certain circumstances; requiring that a performance
10 evaluation of a certificated teacher or principal in a public school system include
11 certain data as a certain component of the evaluation; requiring that a certain
12 component of an evaluation be one of multiple measures; requiring the State
13 Board of Education to adopt regulations to implement certain provisions of this
14 Act; requiring certain classroom teachers and principals working in certain
15 public schools to receive a certain stipend, contingent on the receipt of certain
16 federal funds; defining a certain term; providing for the application of a certain
17 provision of this Act; and generally relating to the employment of certificated
18 employees in a public school system.

19 BY repealing and reenacting, with amendments,
20 Article – Education
21 Section 6–202
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2009 Supplement)

24 BY adding to
25 Article – Education
26 Section 6–306(b)(5)
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Education**

4 6–202.

5 (a) (1) On the recommendation of the county superintendent, a county
6 board may suspend or dismiss a teacher, principal, supervisor, assistant
7 superintendent, or other professional assistant for:

8 (i) Immorality;

9 (ii) Misconduct in office, including knowingly failing to report
10 suspected child abuse in violation of § 5–704 of the Family Law Article;

11 (iii) Insubordination;

12 (iv) Incompetency; or

13 (v) Willful neglect of duty.

14 (2) Before removing an individual, the county board shall send the
15 individual a copy of the charges against him and give him an opportunity within 10
16 days to request a hearing.

17 (3) If the individual requests a hearing within the 10–day period:

18 (i) The county board promptly shall hold a hearing, but a
19 hearing may not be set within 10 days after the county board sends the individual a
20 notice of the hearing; and

21 (ii) The individual shall have an opportunity to be heard before
22 the county board, in person or by counsel, and to bring witnesses to the hearing.

23 (4) The individual may appeal from the decision of the county board to
24 the State Board.

25 (5) Notwithstanding any provision of local law, in Baltimore City the
26 suspension and removal of assistant superintendents and higher levels shall be as
27 provided by the personnel system established by the Baltimore City Board of School
28 Commissioners under § 4–311 of this article.

29 (b) (1) Except as provided in paragraph (2) of this subsection, the
30 probationary period of employment of a certificated employee in a public school system

1 shall cover a period of [2 years] **3 YEARS** from the date of employment and shall
2 consist of a 1–year employment contract that may be renewed by the county board.

3 [(2) (i) A probationary period for a certificated employee in a public
4 school system may be extended for a third year from the date of employment if the
5 certificated employee does not qualify for tenure at the end of the second year based on
6 established performance evaluation criteria and the employee demonstrates a strong
7 potential for improvement.

8 (ii) If the probationary period of a certificated employee is
9 extended as provided in this paragraph, a mentor shall be assigned to the employee
10 and the employee shall be evaluated at the end of the third year based on established
11 performance evaluation criteria.]

12 **(2) (I) A COUNTY BOARD SHALL EVALUATE ANNUALLY A**
13 **NONTENURED CERTIFICATED EMPLOYEE BASED ON ESTABLISHED**
14 **PERFORMANCE EVALUATION CRITERIA.**

15 **(II) IF THE CERTIFICATED EMPLOYEE IS NOT ON TRACK TO**
16 **QUALIFY FOR TENURE AT THE END OF THE FIRST OR SECOND YEAR, A MENTOR**
17 **SHALL BE ASSIGNED TO THE EMPLOYEE AND ADDITIONAL PROFESSIONAL**
18 **DEVELOPMENT SHALL BE PROVIDED, AS APPROPRIATE.**

19 (3) The State Board shall adopt regulations that implement the
20 provisions of paragraphs (1) and (2) of this subsection and define the scope of a
21 mentoring program **AND PROFESSIONAL DEVELOPMENT** that will be aligned with
22 the [2–year] **3–YEAR** probationary period [and the 1–year extension as provided in
23 paragraph (2) of this subsection].

24 **(C) (1) A PERFORMANCE EVALUATION OF A CERTIFICATED TEACHER**
25 **OR PRINCIPAL IN A PUBLIC SCHOOL SYSTEM SHALL INCLUDE DATA ON STUDENT**
26 **GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND ONE OF**
27 **MULTIPLE MEASURES.**

28 **(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT**
29 **IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**

30 6–306.

31 (b) **(5) (I) IN THIS PARAGRAPH, “RACE TO THE TOP**
32 **APPLICATION” MEANS THE STATE’S APPLICATION TO THE UNITED STATES**
33 **DEPARTMENT OF EDUCATION FOR THE RACE TO THE TOP FUND, AUTHORIZED**
34 **UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

1 **(II) A HIGHLY EFFECTIVE CLASSROOM TEACHER OR**
2 **PRINCIPAL WORKING IN A PUBLIC SCHOOL IDENTIFIED IN THE STATE'S RACE**
3 **TO THE TOP APPLICATION AS A SCHOOL IN THE LOWEST ACHIEVING 5% OF**
4 **TITLE I SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING**
5 **SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT DETERMINED BY**
6 **THE STATE BOARD, CONTINGENT ON RECEIPT OF RACE TO THE TOP GRANT**
7 **FUNDS.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That the probationary period
9 of employment specified in § 6-202(b) of the Education Article, as enacted by Section 1
10 of this Act, shall be applicable to a certificated employee in a public school system with
11 a date of employment starting on or after July 1, 2010.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2010.